

**PETITION UNDER 28 USC SECTION 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY**

Instructions - - Read Carefully

If you are attacking a judgment of conviction under which you are serving a sentence, **you** must fill in the name of the state and county where the judgment was entered.

- (1) This petition must be typewritten or handwritten and signed by you under penalty of perjury.
- (2) You must include all grounds for relief and all facts supporting each ground.
- (3) If you were convicted in Brooklyn, Nassau, Queens, Richmond or Suffolk County, then the Eastern District of New York is the proper Court in which to file your petition. Local Civil Rule 83.3; 28 U.S.C. § 112 (c).

Complete the attached form and send the original plus two copies to:

Pro Se Office
United States District Court
Eastern District of New York
225 Cadman Plaza East
New York, NY 11201

This instruction page need not be copied or submitted. Please retain a copy of the completed petition for your records.

PETITION UNDER 28 USC § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY

United States District Court for the Eastern District of New York

Name

Prisoner Identification no.

Place of Confinement

Name of Petitioner (include name under which convicted)

Name of Respondent (warden or superintendent of your prison)

v.

PETITION

1. Name and location of court which entered the judgment of conviction under attack _____

2. Name and address of lawyer who represented you _____

3. Date of judgment of conviction _____

4. Length of sentence _____

5. Nature of offense involved (all counts) _____

6. What was your plea? (Check one)

(a) Not guilty ☐

(b) Guilty ☐

(c) Nolo contendere ☐

If you entered a guilty plea to one count of indictment, and not a guilty plea to another count of indictment, give details:

7. If you pleaded not guilty, what kind of trial did you have? (Check one)

(a) Jury ☐

(b) Judge only ☐

8. Did you testify at the trial?

Yes ☐ No ☐

9. Did you appeal from the judgment of conviction?

Yes ☐ No ☐

10. If you did appeal, answer the following:

(a) Name of court _____

(b) Name and address of lawyer who represented you _____

(c) Result _____

(d) Date of result and citation, if known _____

(e) Grounds raised _____

(f) If you sought further review of the decision by appeal to a higher state court, please answer the following:

(1) Name of court _____

(2) Name and address of lawyer who represented you _____

(3) Result _____

(4) Date of result and citation, if known _____

(5) Grounds raised _____

(g) If you filed a petition for Writ of Certiorari in the United States Supreme Court, please provide the date the petition was filed and the date of result and citation, if known

(1) Name and address of lawyer who represented you _____

11. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal?

Yes ☐ No ☐

12. If your answer to 11 was "yes," give the following information:

(a) (1) Name of court _____

(2) Name and address of lawyer who represented you _____

(3) Nature of proceeding _____

(4) Grounds raised _____

(5) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐

No ☐

(6) Date motion was filed with the Court _____

(7) Date and result of motion _____

(b) As to any second petition, application or motion give the same information:

(1) Name of court _____

(2) Name and address of lawyer who represented you _____

(3) Nature of proceeding _____

(4) Grounds raised _____

(5) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐

No ☐

(6) Date motion was filed with the Court _____

(7) Date and result of motion _____

(c) Did you appeal the decision of any petition, application or motion to the highest state court having jurisdiction?

(1) First petition, etc. Yes ☐ No ☐

(2) Second petition, etc. Yes ☐ No ☐

(d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:

- Ground(s):

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

(1) A 1-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of --

- (A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;
- (B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such state action;
- (C) the date on which the constitutional right asserted was initially recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
- (D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

(2) The time during which a properly filed application for State post conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

15. Do you have a petition or appeal now pending in any court, either state or federal, as to the judgment under attack?

Yes ☐ No ☐

16. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes ☐ No ☐

(a) If so, give name and location of court which imposed sentence to be served in the future: _____

(b) Give date and length of the above sentence: _____

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

I declare under penalty of perjury that the foregoing is true and correct. Executed on

(date)

Signature of Petitioner

Address

I declare under penalty of perjury that on _____ I delivered this petition to prison authorities to be
(date)

mailed to the United States District Court for the Eastern District of New York.

Signature of Petitioner